

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

Valuation of Security     Assumption of Executory Contract or Unexpired Lease     Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:

Case No.: 16-33984

Jose Tenecela,

Judge: Sherwood

Debtor(s)

**Chapter 13 Plan and Motions**

☐ Original

☒ Modified/Notice Required

Date: 10/25/18

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: JRC

Initial Debtor: JBT

Initial Co-Debtor: \_\_\_\_\_

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 394.65 per month to the Chapter 13 Trustee, starting on November 1, 2018 for approximately 39 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

-Debtor was curing arrears through his Chapter 13 plan. However, Debtor could not sustain payments and was in default to the first mortgage on post-petition payments. Debtor applied for a loan modification and was approved. Modification is a stip to mod starting 11/1/18.

-Strip of Second Mortgage held by BNYM Trust Co. and Serviced by Specialized Loan Servicing, LLC

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation



**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments** ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
BNYM Trust Co. serviced by Specialized Loan Servicing, LLC	349 Watsessing Ave., Bloomfield NJ 07003	\$58,904.01	\$475,000	\$547,795.21	0.00	0.00	0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

BNYM Trust Co. serviced by Specialized Loan Servicing, LLC

**e. Surrender** ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**f. Secured Claims Unaffected by the Plan** ☐ NONE

The following secured claims are unaffected by the Plan:

SN Servicing Corporation

**g. Secured Claims to be Paid in Full Through the Plan:** ☒ NONE

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims** ☐ NONE

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

☐ Not less than \_\_\_\_\_ percent

☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases ☒ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

**Part 7: Motions ☐ NONE**

**NOTE:** All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
BNYM Trust Co. serviced by Specialized Loan Servicing, LLC	349 Watsessing Ave., Bloomfield, NJ 07003	\$58,904.01	\$475,000	\$547,795.21	0.00	\$58,904.01

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.



**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

1) Ch. 13 Standing Trustee commissions

2) Administrative

3) Secured/Priority

4) Unsecured

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification ☐ NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 5/8/18.

Explain below **why** the plan is being modified:

loan modification on first mortgage

Explain below **how** the plan is being modified:

Removal of cure through plan; change in monthly trustee payment

Are Schedules I and J being filed simultaneously with this Modified Plan?

☒ Yes

☐ No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 10/25/18

Jose Fuccella  
Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

Date: 10/25/18

Joseph H. Crescimola  
Attorney for Debtor(s)

## Certificate of Notice Page 11 of 12

United States Bankruptcy Court  
District of New JerseyIn re:  
Jose Tenecela  
DebtorCase No. 16-33984-JKS  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 25

Date Rcvd: Nov 02, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 04, 2018.

db +Jose Tenecela, 349 Watsessing Ave, Bloomfield, NJ 07003-6026  
 aty +Jenee K Ciccarelli, Fitzgerald & Associates PC, 649 Newark Avenue,  
 Jersey City, NJ 07306-2303  
 cr +Nationstar Mortgage LLC, C/O Buckley Madole, P.C., 99 Wood Avenue South, Suite 803,  
 Iselin, NJ 08830-2713  
 516553208 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034  
 (address filed with court: Childrens Place/Citicorp Credit Services,  
 Attn: Citicorp Credit Services, PO Box 20507, Kansas City, MO 64195)  
 516736113 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
 516553209 +Citibank / Sears, Citicorp Credit Services/Attn: Centraliz, PO Box 790040,  
 Saint Louis, MO 63179-0040  
 516553210 +Citibank/The Home Depot, Citicorp Credit Svcs/Centralized Bankrup, PO Box 790040,  
 Saint Louis, MO 63179-0040  
 516553211 +Clear Spring Loan Serv, 18451 N Dallas Pkwy Ste, Dallas, TX 75287-5202  
 516802383 MTGLQ Investors, L.P., c/o Shellpoint Mortgage Servicing, PO Box 10826,  
 Greenville, SC 29603-0826  
 516553214 +Nationstar Mortgage LLC, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620  
 516553215 +Specialized Loan Servi, Attn: Bankruptcy, 8742 Lucent Blvd. Suite 300,  
 Highlands Ranch, CO 80129-2386  
 516780889 +The BNYM Trust Company, NA, Trustee (See 410), c/o Specialized Loan Servicing LLC,  
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386  
 517728798 U.S. Bank Trust Nt Assoc Trustee of Chalet Series, c/o SN Servicing Corp., 325 5th Street,  
 Eureka, CA 95501  
 517744468 U.S. Bank Trust Nt Assoc Trustee of Chalet Series, c/o SN Servicing Corp., 323 5th Street,  
 Eureka, CA 95501, U.S. Bank Trust Nt Assoc Trustee of Chal, c/o SN Servicing Corp.  
 517728799 U.S. Bank Trust Nt Assoc Trustee of Chalet Series, c/o SN Servicing Corp., 325 5th Street,  
 Eureka, CA 95501, U.S. Bank Trust Nt Assoc Trustee of Chal, c/o SN Servicing Corp.

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 02 2018 23:23:35 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Nov 02 2018 23:23:30 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516553212 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Nov 02 2018 23:23:07 Comenity Bank/mandee,  
 PO Box 182125, Columbus, OH 43218-2125  
 516553213 +E-mail/Text: bnckohlsnotices@becket-lee.com Nov 02 2018 23:22:38 Kohls/Capital One,  
 PO Box 3120, Milwaukee, WI 53201-3120  
 516745923 +E-mail/Text: bankruptcydpt@mcmeq.com Nov 02 2018 23:23:30 Midland Funding LLC,  
 PO Box 2011, Warren, MI 48090-2011  
 516802339 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Nov 02 2018 23:19:41  
 Portfolio Recovery Associates, LLC, c/o Sears Mastercard, POB 41067, Norfolk VA 23541  
 516634631 E-mail/Text: bnc-quantum@quantum3group.com Nov 02 2018 23:23:24  
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788  
 516656661 E-mail/Text: bnc-quantum@quantum3group.com Nov 02 2018 23:23:25  
 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,  
 Kirkland, WA 98083-0788  
 516553216 +E-mail/PDF: gecsed@recoverycorp.com Nov 02 2018 23:19:34 Synchrony Bank/ JC Penneys,  
 Attn: Bankruptcy, PO Box 103104, Roswell, GA 30076-9104  
 517744467 +E-mail/Text: bknotices@sns.com Nov 02 2018 23:24:22  
 U.S. Bank Trust Nt Assoc Trustee of Chalet Series, c/o SN Servicing Corp., 323 5th Street,  
 Eureka, CA 95501-0305

TOTAL: 10

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-2

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 25

Date Rcvd: Nov 02, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 04, 2018

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 1, 2018 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor MTGLQ INVESTORS, L.P. dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Francesca Ann Arcure on behalf of Creditor Nationstar Mortgage LLC NJ\_ECF\_Notices@McCalla.com,  
NJ\_ECF\_Notices@McCalla.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Paola D. Vera on behalf of Debtor Jose Tenecela pvera@cabanillaslaw.com,  
bankruptcy@cabanillaslaw.com/r64840@notify.bestcase.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5